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Attorneys for Complainant

**BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**ROGER LEE KELLEY, Ph.D.
Department of Occupational Health
275 Hospital Parkway, Suite 565
San Jose, CA 95119**

License No. PSY 10348

Respondent.

**Case No. W209
OAH No. N2001-090282**

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to
the above-entitled proceedings that the following matters are true:

1. An Amended Accusation No. W209 (hereinafter "Accusation") in the
above-entitled case has been filed with the Board of Psychology, California Department of
Consumer Affairs (hereinafter "Board") and is currently pending against Roger Lee Kelley,
Ph.D. (hereinafter "respondent").

2. A copy of the Accusation is attached hereto as Exhibit "A" and is hereby
incorporated by reference as if fully set forth.

3. The Complainant, Thomas O'Connor, is the Executive Officer of the
Board of Psychology and brings this action solely in his official capacity. The Complainant is

1 represented by the Attorney General of California, Bill Lockyer, by and through Deputy
2 Attorney General Susan K. Meadows.

3 4. Respondent has been duly notified of his right to legal representation in
4 this matter and is represented by Timothy J. Aspinwall, Attorney at Law, Nossaman, Guthner,
5 Knox & Elliott, LLP, 915 L Street, Suite 1000, Sacramento, CA 95814-3701.

6 5. The respondent is aware of the charges contained in the Accusation and
7 the respondent is fully aware of his legal rights and of the effects of this stipulation.

8 6. On February 26, 1988, respondent was licensed by the Board of
9 Psychology under PSY No. 10348.

10 7. Respondent understands the nature of the charges alleged in the
11 Accusation and that, if proven at hearing, the charges and allegations would constitute cause for
12 imposing discipline upon him. Respondent is fully aware of his right to a hearing on the charges
13 contained in the Accusation, his right to confront and cross-examine witnesses against him, his
14 right to the use of subpoenas to compel the attendance of witnesses and the production of
15 documents in both defense and mitigation of the charges, his right to reconsideration, appeal and
16 any and all other rights accorded by the California Administrative Procedure Act and other
17 applicable laws. Respondent knowingly, voluntarily and irrevocably waives and gives up each
18 and every one of these rights.

19 8. This stipulation is the result of a compromise between the Board and
20 respondent. For purposes of the settlement of this action pending against respondent as alleged
21 in the Accusation, respondent agrees that if the charges alleged in the Accusation were proven at
22 trial, cause would exist for disciplinary action against his license. Respondent stipulates that the
23 Board has jurisdiction to enter the following disciplinary order pursuant to Business and
24 Professions Code section 2960.

25 9. Based upon the above recitals, the parties hereby agree that the Board
26 shall, without further notice or formal proceeding, issue and enter the following order:

27 **DISCIPLINARY ORDER**

28 10. It is hereby ordered that License No. PSY 10348 issued to respondent

1 Roger Lee Kelley, Ph.D. is revoked. However, the revocation is stayed and respondent is placed
2 on probation for three (3) years subject to the following terms and conditions:

3 1. Psychological Evaluation

4 Within 90 days of the effective date of this Decision and on a periodic basis
5 thereafter as may be required by the Board or its designee, respondent shall undergo a
6 psychological evaluation (and psychological testing, if deemed necessary) by a Board-
7 appointed California-licensed psychologist. Respondent shall sign a release which
8 authorizes the evaluator to furnish the Board a current DSM IV diagnosis and a written
9 report regarding the respondent's judgment and/or ability to function independently as a
10 psychologist with safety to the public, and whatever other information the Board deems
11 relevant to the case. The completed evaluation is the sole property of the Board.
12 Respondent shall be entitled to a copy of any written report prepared by the evaluator
13 and/or any psychological testing results upon his request.

14 If the Board concludes from the results of the evaluation that respondent is unable
15 to practice independently and safely, respondent shall immediately cease practice and
16 shall not resume practice until notified in writing by the Board or its designee. During
17 this suspension period, probation will be tolled and will not apply to the reduction of this
18 probationary period.

19 If ongoing psychotherapy is recommended in the psychological evaluation, the
20 Board will notify respondent in writing to submit to such therapy and to select a
21 psychotherapist for approval by the Board or its designee within 30 days of such
22 notification. The therapist shall 1) be a California-licensed psychologist with a clear and
23 current license; and, 2) have no previous business, professional, personal or other
24 relationship with respondent. Frequency of psychotherapy shall be determined upon
25 recommendation of the treating psychotherapist with approval by the Board or its
26 designee; however, psychotherapy shall, at a minimum, consist of one one-hour session
27 per week. Respondent shall continue psychotherapy until released by the approved
28 psychologist and approved by the Board or its designee. The Board or its designee may

1 order a re-evaluation upon receipt of the therapist's recommendation.

2 Respondent shall execute a release authorizing the therapist to provide to the
3 Board any information the Board or its designee deems appropriate, including quarterly
4 reports of respondent's therapeutic progress. Respondent shall furnish a copy of this
5 Decision to the therapist. If the therapist believes the respondent cannot continue to
6 independently render psychological services, with safety to the public, he/she shall notify
7 the Board immediately.

8 Respondent shall pay all costs associated with the psychological evaluation and
9 ongoing psychotherapy. Failure to pay costs will be considered a violation of the
10 probation order.

11 **2. Coursework**

12 Respondent shall take and successfully complete not less than twelve (12) hours
13 of coursework during each year of probation in the following areas: Boundaries, Ethics,
14 Patient Record Keeping, and Clinical Practice. Coursework must be preapproved by the
15 Board or its designee. All coursework shall be taken at the graduate level at an accredited
16 educational institution or be provided by an approved continuing education provider.
17 Classroom attendance is specifically required; correspondence or home study coursework
18 shall not count toward meeting this requirement. The coursework must be in addition to
19 any continuing education courses that may be required for license renewal.

20 Within ninety (90) days of the effective date of this Decision, respondent shall
21 submit to the Board or its designee for its prior approval a plan for meeting the
22 educational requirements. All costs of the coursework shall be paid by the respondent.

23 **3. Ethics Course**

24 Within ninety (90) days of the effective date of this Decision, respondent shall
25 submit to the Board or its designee for prior approval a course in laws and ethics as they
26 relate to the practice of psychology. The coursework must be in addition to any law and
27 ethics courses that may be required for license renewal. Said course must be successfully
28 completed at an accredited educational institution or through a provider approved by the

1 Board's accreditation agency for continuing education credit. Said course must be taken
2 and completed within one year from the effective date of this Decision. The cost
3 associated with the law and ethics course shall be paid by the respondent.

4 **4. Investigation/Enforcement Cost Recovery**

5 Respondent shall pay to the Board its costs of investigation and enforcement in
6 the amount of three thousand dollars (\$3,000.00) within ninety (90) days of the effective
7 date of this Decision. Said costs shall be payable to the Board of Psychology. Failure to
8 pay such costs shall be considered a violation of probation.

9 **5. Probation Costs**

10 Respondent shall pay the costs associated with probation monitoring each and
11 every year of probation. The Board stipulates in this matter that said costs shall not
12 exceed the sum of two thousand dollars (\$2,000.00) per year for each year of probation.
13 Such costs shall be payable to the Board of Psychology at the end of each fiscal year.
14 Failure to pay such costs shall be considered a violation of probation.

15 **6. Obey All Laws**

16 Respondent shall obey all federal, state, and local laws and all regulations
17 governing the practice of psychology in California, including the ethical guidelines of the
18 American Psychological Association. A full and detailed account of any and all
19 violations of law shall be reported by respondent to the Board or its designee in writing
20 within seventy-two (72) hours of their occurrence.

21 **7. Quarterly Reports**

22 Respondent shall submit quarterly declarations under penalty of perjury on forms
23 provided by the Board or its designee, stating whether there has been compliance with all
24 the conditions of probation.

25 **8. Probation Compliance**

26 Respondent shall comply with the Board's probation program and shall, upon
27 reasonable notice, report to the assigned District Office of the Medical Board of
28 California or other designated probation monitor. Respondent shall contact the assigned

1 probation officer regarding any questions specific to the probation order. Respondent
2 shall not have any unsolicited or unapproved contact with 1) complainants associated
3 with the case; 2) Board members or members of its staff; or 3) persons serving the Board
4 as expert evaluators.

5 **9. Interview with Board or Its Designee**

6 Respondent shall appear in person for interviews with the Board or its designee
7 upon request at various intervals and with reasonable notice.

8 **10. Changes of Employment**

9 Respondent shall notify the Board in writing, through the assigned probation
10 officer, of any and all changes of employment, location, and address within thirty (30)
11 days of any such change.

12 **11. Tolling for Out-of-State Practice, Residence or In-State Non-Practice**

13 In the event respondent should leave the State of California to reside or to practice
14 outside the State of California, or for any reason should respondent stop practicing
15 psychology in the State of California, respondent shall notify the Board or its designee in
16 writing within ten (10) days of the date of departure and return, or the date of non-
17 practice within California. Non-practice is defined as any period of time exceeding thirty
18 (30) days in which respondent is not engaging in the practice of psychology as defined in
19 Sections 2902 and 2903 of the Business and Professions Code. Periods of temporary or
20 permanent residency or practice outside California or of non-practice within California
21 shall not apply to the reduction of this probationary period.

22 **12. Employment and Supervision of Trainees**

23 If respondent is licensed as a psychologist, he shall not employ or supervise or
24 apply to employ or supervise psychological assistants, interns or trainees during the
25 course of this probation. Respondent further agrees not to employ or supervise any
26 clinical social worker interns or trainees, or any marriage, family, child counselor interns
27 or trainees during the course of this probation. Respondent shall terminate any such
28 supervisory or employment relationship in existence on the effective date of this

1 probation.

2 13. **Violation of Probation**

3 If respondent violates probation in any respect, the Board may, after giving
4 respondent notice and the opportunity to be heard, revoke probation and carry out the
5 disciplinary order that was stayed. If an Accusation or Petition to Revoke Probation is
6 filed against respondent during probation, the Board shall have continuing jurisdiction
7 until the matter is final, and the period of probation shall be extended until the matter is
8 final. No Petition for Modification or Termination of Probation shall be considered while
9 there is an Accusation or Petition to Revoke Probation pending against respondent.

10 15. **Completion of Probation**

11 Upon successful completion of probation, respondent's license shall be fully
12 restored.

13 **CONTINGENCY**

14 This stipulation shall be subject to the approval of the Board. Respondent
15 understands and agrees that Board staff and counsel for complainant may communicate directly
16 with the Board regarding this stipulation and settlement, without notice to or participation by
17 respondent or his counsel. If the Board fails to adopt this stipulation as its Order, the stipulation
18 shall be of no force or effect, it shall be inadmissible in any legal action between the parties, and
19 the Board shall not be disqualified from further action in this matter by virtue of its consideration
20 of this stipulation.

21 **ACCEPTANCE**

22 I have read the above Stipulated Settlement and Disciplinary Order. I have fully
23 discussed the terms and conditions and other matters contained therein with my attorney,
24 Timothy J. Aspinwall, Esq. I understand the effect that this Stipulated Settlement and
25 Disciplinary Order will have on my psychology license, and agree to be bound thereby. I enter
26 this stipulation freely, knowingly, intelligently and voluntarily.

27 //

28 //

1 I agree that a facsimile copy of my signature on this document shall be binding upon me as
2 if it were the original.

3 DATED: Nov 14, 2001

4 Roger L Kelley
5 ROGER LEE KELLEY, Ph.D.
6 Respondent

7 I have read the above Stipulated Settlement and Disciplinary Order and approve
8 of it as to form and content. I have fully discussed the terms and conditions and other matters
9 therein with respondent Roger Lee Kelley, Ph.D. I agree that a facsimile copy of my signature
10 on this document shall be binding upon me as if it were the original.

11 DATED: 11/14/01

12 T. J. Aspinwall
13 TIMOTHY J. ASPINWALL, ESQ.
14 Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
17 submitted for the consideration of the Board of Psychology, Department of Consumer Affairs,
18 State of California.

19 DATED: 11/15/01

20
21 BILL LOCKYER, Attorney General
22 of the State of California
23 VIVIEN HARA HERSH
24 Supervising Deputy Attorney General

25 Susan K. Meadows
26 SUSAN K. MEADOWS
27 Deputy Attorney General

28 Attorneys for Complainant

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An effective date of February 6, 2002 has been assigned to this Decision and Order.

Made this 7th day of January, 2002

EMIL RODOLFA, Ph.D., VICE PRESIDENT
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

Exhibit: Amended Accusation

EXHIBIT A

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN K. MEADOWS
Deputy Attorney General [SBN 115092]
3 VIVIEN HARA HERSH
Supervising Deputy Attorney General [SBN 084589]
4 California Department of Justice
Office of the Attorney General
5 455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
6 Telephone: (415) 703-5552
Facsimile: (415) 703-5480

7 Attorneys for Complainant
8

9
10 BEFORE THE
BOARD OF PSYCHOLOGY
11 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:
14

15 ROGER LEE KELLEY, Ph.D.
Department of Occupational Health
275 Hospital Parkway, Suite 565
16 San Jose, CA 95119

17 License No. PSY 10348

18 Respondent.

Case No. W209

**FIRST AMENDED
ACCUSATION**

19 THOMAS S. O'CONNOR, complainant herein, charges and alleges as follows:

20 1. He is the Executive Officer of the Board of Psychology, State of California
21 (hereinafter referred to as the "Board"), and makes these charges and allegations solely in his
22 official capacity.

23 **LICENSE HISTORY**

24 2. On or about February 26, 1988, respondent, Roger Lee Kelley, Ph.D.
25 (hereinafter referred to as "respondent"), was issued License No. PSY 10348 by the Board of
26 Psychology, authorizing him to practice psychology in the State of California. The license is
27 valid and renewed until January 31, 2002. The Board has taken no prior disciplinary action
28 against this license.

1 3. The incidents alleged herein occurred while respondent was a psychologist
2 practicing at The Permanente Medical Group, Kaiser Santa Teresa facility in San Jose,
3 California.

4 STATUTES AND REGULATIONS

5 4. Section 2960 of the Business and Professions Code^{1/} states, in pertinent part,
6 that the Board may suspend, revoke or impose probationary conditions on a licensee for
7 unprofessional conduct, which is defined to include, but not be limited to, any of the following
8 causes:

9 (i) Violating any rule of professional conduct promulgated by the Board
10 and set forth in regulations duly adopted under this chapter;

11 (j) Being grossly negligent in the practice of her profession;

12 (k) Violating any of the provisions of this chapter or regulations duly
13 adopted thereunder.

14 (p) Functioning outside of his or her particular field or fields of
15 competence as established by his or her education, training and experience.

16 (r) Repeated acts of negligence.

17 5. Section 2936 provides, in pertinent part, that the board shall establish
18 as its standards of ethical conduct relating to the practice of psychology, the code of ethics
19 adopted and published by the American Psychological Association (APA), and that those
20 standards shall be applied by the board as the accepted standard of care in all licensing
21 examination development and in all board enforcement policies and disciplinary case
22 evaluations.

23 6. Title 16 California Code of Regulations section 1396 provides that a
24 psychologist shall not function outside his or her particular field or fields of competence as
25 established by his or her education, training and experience.

26 7. Section 125.3 provides, in pertinent part, that in any order issued in
27

28 1. All statutory references are to the Business and Professions Code unless otherwise
indicated.

2.

1 resolution of a disciplinary proceeding before any board within the Department of Consumer
2 Affairs, the board may request the administrative law judge to direct a licensee found to have
3 committed any violation of the licensing act to pay a sum not to exceed the reasonable costs of
4 the investigation and enforcement of the case.

5 8. Section 2964.6 provides that, "[a]n administrative disciplinary decision
6 that imposes terms of probation may include, among other things, a requirement that the licensee
7 who is being placed on probation pay the monetary costs associated with monitoring the
8 probation."

9 ETHICAL PRINCIPLES

10 9. The Ethical Principles of Psychologists and the Code of Conduct of the
11 American Psychological Association (1992 Edition) provide, in pertinent part as follows:

12 GENERAL PRINCIPLES:

13 "A. Competence. Psychologists strive to maintain high standard of competence in
14 their work. They recognize the boundaries of their particular competencies and the
15 limitations of their expertise. They provide only those services and use only those
16 techniques for which they are qualified by education, training, or experience."

17 "B. Integrity. Psychologists seek to promote integrity in the science, teaching and
18 practice of psychology...Psychologists avoid improper and potentially harmful dual
19 relationships."

20 "C. Professional and Scientific Responsibility. Psychologists uphold professional
21 standards of conduct, clarify their professional roles and obligations, accept
22 appropriate responsibility for their behavior, and adapt their methods to the needs
23 of different populations."

24 "D. Respect for People's Rights and Dignity. Psychologists accord appropriate
25 respect to the fundamental rights, dignity and worth of all people...Psychologists
26 are aware of cultural, individual, and role differences, including those due to age,
27 gender, race, ethnicity, national origin, religion, sexual orientation, disability,
28 language, and socioeconomic status."

23 GENERAL STANDARDS:

24 "1.04 Boundaries of Competence. (a) Psychologists provide services, teach, and
25 conduct research only within the boundaries of their competence, based on their
26 education, training, supervised experience, or appropriate professional experience."

27 "1.05. Maintaining expertise. Psychologists ...maintain a reasonable level of
28 awareness of current scientific and professional information in their fields of
activity, and undertake ongoing efforts to maintain competence in the skills they
use."

"1.11. Sexual Harassment. (a) Psychologists do not engage in sexual harassment.

1 Sexual harassment is...verbal or nonverbal conduct that is sexual in nature, that
2 occurs in connection with the psychologist's activities or roles as a psychologist,
3 and that either: (1) is unwelcome, is offensive, or creates a hostile workplace
4 environment, and the psychologist knows or is told this; or (2) is sufficiently
5 severe or intense to be abusive to a reasonable person in the context."

6 "1.14 Avoiding Harm. Psychologists take reasonable steps to avoid harming their
7 patients or clients, research participants, students and others with whom they work,
8 and to minimize harm where it is foreseeable and unavoidable.

9 "1.17 Multiple Relationships. (a) ...Psychologists must always be sensitive to the
10 potential harmful effects of other contacts on their work and on those persons with
11 whom they deal. A psychologist refrains from entering into or promising another
12 personal, scientific professional, financial, or other relationships with such persons
13 if it appears likely that such a relationship might impair the psychologist's
14 objectivity."

15 "1.24 Records and Data. Psychologists create, maintain, disseminate, store, retain
16 and dispose of records and data relating to their research, practice and other work
17 in accordance with the law and in a manner that permits compliance with the
18 requirements of this Ethics Code."

19 FIRST CAUSE FOR DISCIPLINARY ACTION

20 (Gross Negligence and/or Unprofessional Conduct and/or Incompetence)

21 (Patient M.R.)

22 8. In or about January, 1999, patient M.R..^{2/} was referred to respondent for
23 therapy as a result of a work-related stress. M.R. saw respondent approximately weekly until
24 approximately April 23, 1999. After several sessions, respondent began to hold M.R.'s hand
25 during therapy sessions. He sometimes hugged M.R. at the beginning and end of therapy
26 sessions.

27 9. In or about April, 1999 M.R. returned to work and was unable to attend weekly
28 therapy sessions. She began to schedule appointments with respondent with less frequency. At
this point, respondent asked M.R. for her e-mail address so that he could communicate with her
by e-mail. M.R. saw respondent approximately every two weeks, and respondent began to send
her e-mail messages. Sometimes the e-mail messages pertained to M.R.'s treatment with
respondent, and sometimes they consisted of jokes or other matters unrelated to M.R.'s

2. The name of the patient will be disclosed to respondent pursuant to any request for
discovery.

1 professional treatment with respondent. Some of the messages were sent from respondent's
2 personal computer, and some from his Kaiser computer. Between April 23, 1999 and July 16,
3 1999, there was a series of 18 e-mail messages between respondent and M.R. On or about July
4 16, 1999 M.R. received an e-mail message from respondent. The message was an offensive,
5 sexual joke entitled "Sgt. Major Dick." M.R. terminated her treatment with respondent after
6 receiving the July 16, 1999 message.

7 10. Respondent maintained minimal treatment records for M.R. from January 5,
8 1999 until April 23, 1999. After that date, respondent maintained no records for his treatment of
9 M.R.

10 11. The records respondent did maintain for Patient M.R. reflect respondent's
11 diagnosis of Panic Disorder without Agoraphobia, Anxiety Disorder NOS and Depressive
12 Disorder NOS. Respondent's records contain no evidence of any treatment for these conditions
13 for which there is clinical/scientific support.

14 12. Respondent's conduct in blurring professional boundaries between himself
15 and patient M.R. by holding her hand during therapy sessions, and/or hugging M.R., as alleged
16 constitutes unprofessional conduct and is cause for discipline pursuant to Business and
17 Professions Code sections 2960(i) and/or 2960(k) [violation of statutes or regulations], and/or
18 2960(j) [gross negligence], and/or section 2936 [violation of ethical standards.]

19 13. Respondent's conduct in sending clinically irrelevant and inappropriate
20 electronic mail to patient M.R. constitutes unprofessional conduct and is cause for discipline
21 pursuant to Business and Professions Code sections 2960(i) and/or 2960(k) [violation of statutes
22 or regulations], and/or 2960(j) [gross negligence], and/or section 2936 [violation of ethical
23 standards.]

24 14. Respondent's conduct in maintaining only minimal treatment records or
25 progress notes up to April 23, 1999, and in maintaining no treatment records or progress notes
26 after April 23, 1999 constitutes unprofessional conduct and is cause for discipline pursuant to
27 Business and Professions Code section 2960(j) [gross negligence] and/or section 2936 [violation
28 of ethical standards.]

1 15. Respondent's conduct in failing to create and/or document an effective
2 treatment plan for his clinical diagnosis of Patient M.R. constitutes unprofessional conduct and is
3 cause for discipline pursuant to Business and Professions Code section 2960 (i) [violation of
4 statutes or regulations], and/or section 2960(p) [functioning outside of his field of competence],
5 and/or section 2936[violation of ethical standards], and/or Title 16 California Code of Regulations
6 section 1396.

7 **SECOND CAUSE FOR DISCIPLINARY ACTION**

8 (Repeated Acts of Negligence: Patient M.R.)

9 18. The allegations of paragraphs 10 through and including 17 are incorporated
10 herein as if fully set forth.

11 19. Respondent's conduct as described in paragraph 18 constitutes unprofessional
12 conduct and/or repeated acts of negligence pursuant to section 2960 (r) of the Business and
13 Professions Code with respect to his care and treatment of patient M.R. Therefore, cause for
14 disciplinary action exists.

15 **PRAYER**

16 **WHEREFORE**, the complainant requests that the Psychology Board hold a
17 hearing on the matters alleged herein and that following said hearing, issue an order: .

18 1. Suspending or revoking Psychology License No. PSY 10348 heretofore
19 issued to Roger Lee Kelley, Ph.D.;

20 2. Ordering respondent to pay the Board the actual and reasonable costs of the
21 investigation and enforcement of this case; and, if respondent is placed on probation, the costs of
22 probation monitoring; and,

23 //

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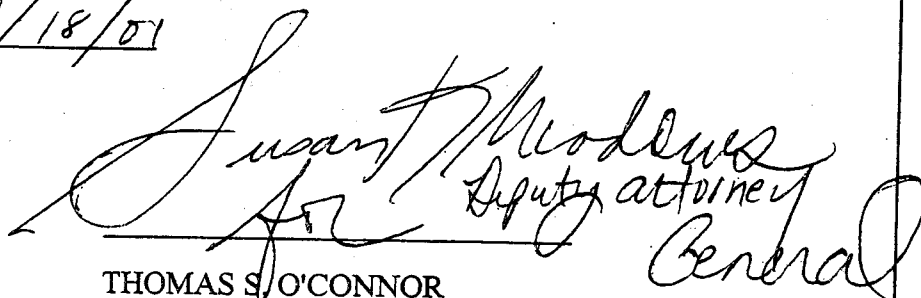
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2 3. Taking such other and further action as the Board deems necessary and
proper.

3 DATED: 10/18/07

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5
6  *Susan Modrows*
for Deputy attorney General

7 THOMAS S. O'CONNOR
8 Executive Officer
Board of Psychology

9 Complainant

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Accusation Filed
Against:

Roger Lee Kelley, Ph.D.

No. : W209

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Roger Lee Kelley, Ph.D.
Department of Occupational Health
275 Hospital Parkway, Ste. 565
San Jose, CA 95119

7001 2510 0009 0282 5897

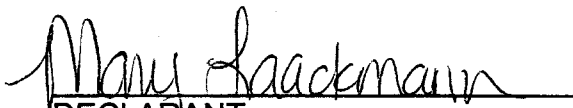
Timothy J. Aspinwall, Attorney at Law
Nossaman, Guthner, Knox & Elliott, LLP
915 L Street, Suite 1000
Sacramento, CA 95814-3701

Susan K. Meadows
Deputy Attorney General
455 Golden Gate Ave., Ste. 11000
San Francisco, CA 94102

Each said envelope was then on, January 7, 2002, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, January 7, 2002, at Sacramento, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst